

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
ZONEPERFECT NUTRITION)
COMPANY,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO: 04-10760 REK
)
HERSHEY FOODS CORPORATION,)
HERSHEY CHOCOLATE &)
CONFECTIONERY CORPORATION,)
DR. BARRY D. SEARS, AND)
ZONE LABS, INC.,)
)
Defendants.)
)
)
DR. BARRY D. SEARS and)
ZONE LABS, INC.,)
)
Plaintiffs-in-Counterclaim,)
)
v.)
)
ZONEPERFECT NUTRITION COMPANY)
Defendant-in-Counterclaim and)
Third-Party Defendant)
)

MOTION TO FILE BRIEF IN EXCESS OF TWENTY PAGES

The defendants and plaintiffs-in-counterclaim, Dr. Barry D. Sears and Zone Labs, Inc. (collectively, "the defendants"), herewith respectfully move for leave to submit a memorandum in excess of twenty-pages. In support of their motion, the defendants state:

1. The plaintiffs has filed a thirty-seven page memorandum in support of its motion for preliminary injunction.

2. The defendants seek leave to file a memorandum which is thirty-two pages long. The defendants believe in good faith that they could not address the issues the plaintiff raises in fewer pages.

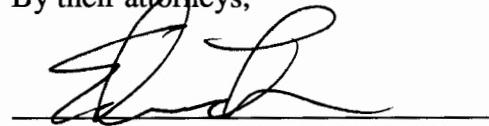
3. The plaintiff assents to this motion.

WHEREFORE, the defendants respectfully request that this Honorable Court grant them leave to file a brief which is thirty-two (32) pages long.

Respectfully submitted,

BARRY D. SEARS
And ZONE LABS, INC.

By their attorneys,

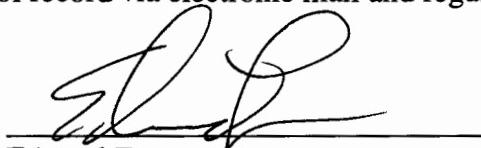


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DATED: May 24, 2004

CERTIFICATE OF SERVICE

I, Edward Foye, hereby certify that a true and accurate copy of the foregoing document was served on all counsel of record via electronic mail and regular mail this 24th day of May, 2004.



Edward Foye